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C O N F I D E N T I A L SECTION 01 OF 02 KAMPALA 000047

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TAGS: PREL PGOV PHUM KDEM KCOR EPET UG

SUBJECT: UGANDA: FOREIGN MINISTER ON DEMOCRACY, HOMOSEXUALITY, AND OIL

REF: 09 KAMPALA 1411; 10 KAMPALA 45; 10 KAMPALA 19

CLASSIFIED BY: Aaron Sampson, Pol/Econ Chief; REASON: 1.4(B), (D)

¶11. (C) Summary: On January 21, Ambassador Lanier discussed the congressional reporting requirement for Uganda's presidential elections, the draft anti-homosexuality bill, and allegations of corruption in Uganda's nascent oil sector with Foreign Minister Sam Kutesa. Kutesa inquired about Congressional motivations for requiring the State Department to report on Uganda's 2011 elections, and said he believes the anti-homosexuality bill will ultimately "die a natural death." Kutesa was noticeably silent in response to concerns about oil sector corruption. End Summary.

2011 Election Reporting Requirement

¶12. (U) In a January 21 meeting requested by the U.S. Mission, Ambassador Lanier, the DCM, and PolOff provided Ugandan Foreign Minister Sam Kutesa with the language of the reporting requirement on Uganda's elections included in the 2010 Foreign Operations Appropriation Act by the congressional conference committee. The bill requires the Department of State to monitor, promote and report on the independence of Uganda's Electoral Commission; the need for an accurate and verifiable voter registry; the posting of election results at polling stations; freedom of assembly, movement, and the media; and the security and protection of candidates. Several local newspapers and opposition parties have commented on the requirement, hailing it as a sign that the U.S. is serious about holding Uganda accountable for free and fair elections. On January 15, local media reported that State Minister for International Affairs Henry Okello Oryem also welcomed the requirement because "our government is transparent and has nothing to hide." Oryem told local journalists he is confident Uganda "will fulfill the expectations not only of the U.S. but more importantly Ugandans that will be participating in the elections."

¶13. (C) In his meeting with the Ambassador, Minister Kutesa asked whether the appropriations bill contained similar requirements for other nations, or if Uganda alone was singled out. The Ambassador explained that the bill contains specific language and reporting requirements on countries around the world, that the U.S. Mission to Uganda regularly reports on election related issues anyway, and that this requirement means a separate compilation of these reports will now be submitted to Congress, perhaps for public release. Kutesa asked if the \$70 million appropriation in foreign assistance attached to the election reporting requirements is conditional on the findings of our assessments or earmarked specifically for

election related programming. NOTE: Our understanding is that the \$70 million is for USAID's development assistance account and not specifically related to the February 2011 elections process. END NOTE.

¶4. (C) Kutesa then responded to each individual reporting requirement, stating that the Electoral Commission's independence is guaranteed by law, that voter registers are being updated, and that election results are counted openly and in public at every polling station. Kutesa said freedom of movement is also guaranteed, provided individuals remain within the law. In response to the requirement on the security and protection of candidates, Kutesa expanded on the government's interpretation of the December 21 incident when vehicles belonging to the Presidential Guard Brigade drove presidential hopeful Olara Otunnu off the road (ref. A). Kutesa said "surely that was clearly an accident," that driving political opponents off the road is "not our method of work," and that "no one would want to assassinate a candidate, or anyone for that matter."

Cabinet to Review Anti-Homosexuality Bill

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¶5. (C) The Ambassador appraised Kutesa of the Congressional hearings on the draft anti-homosexuality bill by the Tom Lantos Human Rights Commission. Kutesa confirmed local media reports that Ethics Minister Nsaba Buturo raised the bill in Cabinet on January 20, and that some Cabinet members recommended scrapping the legislation while others advocated for a watered down version (ref. B). Kutesa reported that Cabinet decided to form a sub-committee chaired by the Attorney General to review the bill and formulate a government position. Kutesa said he believes Cabinet will ultimately let the bill "die a natural death" in Parliament.

Oil Sector Corruption

¶6. (C) Ambassador Lanier informed Kutesa of the arrival of the Energy, Governance, and Capacity Initiative (EGCI) technical assistance team scheduled for February 10-13. The Ambassador noted that he recently sent a letter to President Museveni, with copies to the Ministries of Foreign Affairs and Energy, to explain EGCI and express concerns about transparency in Uganda's nascent oil sector. Referencing recent allegations of oil sector corruption published by the local media, the Ambassador stressed the importance of a fair, transparent, and open process for the sale of Heritage Oil's Ugandan holdings to benefit all Ugandans (ref. C and septel). Kutesa remained noticeably silent on this issue, observing only that different companies have made claims and counterclaims about the Heritage Oil sale.

Comment: Elections, Homosexuality, and Oil

¶7. (C) It appears that the Ugandan government is finally moving in the right direction - albeit largely for the wrong reasons - on the anti-homosexuality legislation and we believe that it is now important to limit our public statements on this issue to give Ugandan leaders some time to resolve this problem internally. Uganda's position on its electoral process is less encouraging, as senior leaders remain convinced that the Electoral Commission is independent simply because Ugandan law declares it so. Under Secretary for Democracy and Global Affairs Maria Otero will raise concerns about Uganda's electoral process and the anti-homosexuality legislation with State Minister Oryem on January 29 in Kampala, and Assistant Secretary Carson will meet with President Museveni in Addis on the margins of the AU Summit. The upcoming EGCI visit will provide another opportunity for us to reiterate the critical importance of transparency in Uganda's emerging oil sector.

LANIER